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SUBDIVISION/CONDOMINIUM APPROVAL

PROCEDURES: A GUIDE FOR APPLICANTS

OPERATIONS REVIEW SECTION

OPERATIONS CONTROL BRANCH

OCTOBER, 1981

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SUBDIVISION/CONDOMINIUM APPROVAL  
PROCEDURES: A GUIDE FOR APPLICANTS

OPERATIONS REVIEW SECTION

OPERATIONS CONTROL BRANCH

OCTOBER, 1981

Minister  
Hon. Claude F. Bennett  
Deputy Minister  
Richard M. Dillon

Available From:  
Ontario Government Bookstore  
880 Bay Street  
Toronto, Ontario M7A 1N8



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These guidelines have been prepared to assist applicants when submitting a subdivision/condominium application to be processed under section 36 of The Planning Act. The information is subject to change. This booklet should be used together with a current copy of The Planning Act. Applicants should consult their solicitor on all legal questions.

## 1.0 INTRODUCTION

This handbook is designed as a guide for those involved in the planning and development of subdivision and condominium proposals. It outlines the requirements for submitting an application to the Ministry of Municipal Affairs and Housing (or to a delegated approval authority) and explains the various steps involved in the approval process. In addition to this guideline, applicants should refer to the specific provisions of section 36 of The Planning Act and other related legislation, e.g., The Condominium Act, The Registry Act, The Land Titles Act.

The approval procedures described in the following pages have been developed to achieve two major objectives:

- 1) to improve the quality of subdivision and condominium developments, and
- 2) to minimize the time needed for approvals.

## 1.1 **Condominium Proposals Eligible for Exemption From Approval**

Condominium applications will be eligible for exemption from the requirements of section 36 of The Planning Act where a site is covered by a by-law approved under section 40 (site plan control) of The Planning Act, or where:

- the municipality has an approved official plan, and

- the property is zoned for the proposed uses, and
- the property is included within a registered plan of subdivision, and
- the municipality has recommended that the application be exempted.

These items should be checked with the local municipality.

#### **1.2 Delegation of Minister's Approval Power**

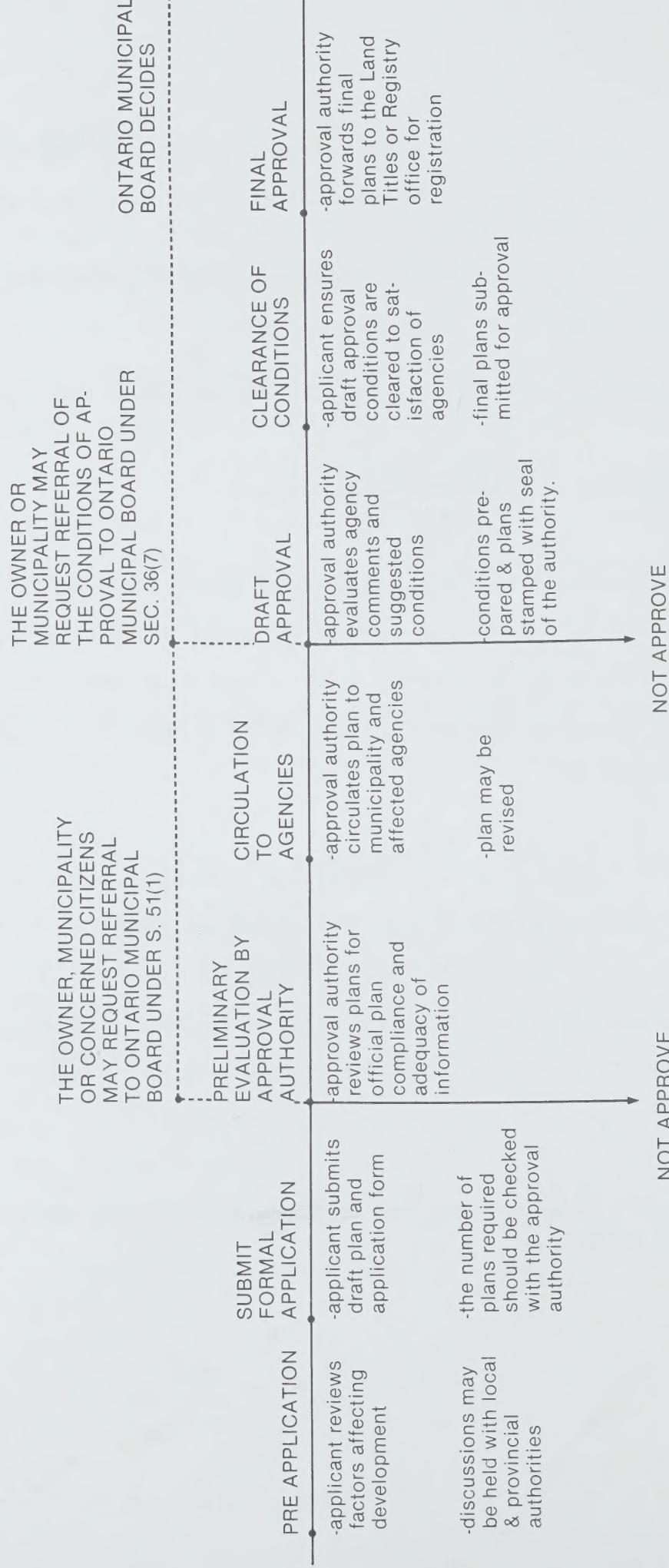
The Planning Act permits the Minister of Municipal Affairs and Housing to delegate his approval authority to municipal councils. (Section 51 of The Planning Act.) A number of municipalities have been delegated subdivision and condominium approvals. (See Appendix C.)

The delegated authority's approval process for subdivision and condominium applications is similar but not identical to that of the Ministry of Municipal Affairs and Housing. The specific requirements of the delegated councils may vary slightly, e.g., number of draft plans required. Applicants should contact the delegated authority concerning the requirements.

#### **1.3 Figure 1 shows a summary of the approval procedures explained in this guide.**

## SUMMARY OF APPROVAL PROCEDURES

Figure 1



## 2.0 PRE-APPLICATION

Before making an application, the applicant should consider circumstances that may affect the proposal. It is not suggested that the applicant initiate costly studies. Rather, the purpose of the pre-application stage is to gather sufficient information to help the applicant decide whether to make a formal application.

Much of this information can be obtained from discussion with local officials. If the proposal is located in an area not in a delegated municipality, the applicant may wish to consult the Community Planning Advisory Branch or the Community Planning Review Branches of the Ministry of Municipal Affairs and Housing. For proposals within delegated municipalities, owners should consult officials of those municipalities.

The process may require negotiations and co-operation between the owner and others involved in approvals. A good rapport established early in the process can only help to facilitate approval. Binding commitments should not be made between a subdivider and a municipality at this stage. A clear understanding of what is proposed, what is possible and what is acceptable is the aim of the pre-application procedure.

A list of considerations which the applicant might use as a basis for discussion include:

## 2.1 Conformity to Planning Policies

### a. The Official Plan

Policies in the official plan are important because they decide the principle of development. Generally, no draft approval of a subdivision is considered unless it complies with an approved official plan (if one is in effect). The owner should consider the following:

- Does the proposal comply with the official plan, if one exists?
- If the proposal does not comply, would the municipality consider an amendment to the existing official plan?
- If there is a new official plan under preparation how would the new policies affect the proposal?

### b. Local Zoning By-Laws

Final approval of a subdivision application cannot be given before it complies with approved zoning. Therefore, the following should be considered:

- Do the proposed land uses and densities comply with the existing zoning by-laws?
- If the proposal does not comply, will the municipality consider an amendment?

c. Other Land Use Regulations

In certain areas, other regulations may affect an application, e.g., Minister's Zoning Orders, Parkway Belt Regulations, Niagara Escarpment Regulations and section 17 Orders under The Public Lands Act. Generally, these regulations are in areas where provincial policy has been identified or in areas lacking local planning controls. Before the applicant considers any development, he should check with the local authority or the Community Planning Advisory Branch.

## 2.2 Physical Constraints

If the property is subject to flooding or fronts on a lake or river, consult the Ministry of Natural Resources and/or the local conservation authority.

### **2.3 Plans Adjacent to Transportation Corridors**

Whenever an application is located adjacent to a freeway, the applicants should consult with the Ministries of Environment and Transportation and Communications.\* These ministries may require reports dealing with noise abatement measures. It would be beneficial to the applicant to be informed early in the application process of any requirements related to noise abatement.

### **2.4 Plans Affected by Aircraft Noise**

Areas affected by high levels of aircraft noise may be restricted from certain types of development. In areas of lower noise susceptibility, development may be permitted with certain provisions (e.g., the applicant may be required to prepare and implement special noise reduction studies).

Two recommended sources of information are: "Land Use Policy Near Airports" (available from Local Planning Policy Branch, Ministry of Municipal Affairs and Housing) and "New Housing and Airport Noise" (available from Canada Mortgage and Housing Corporation).

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\*Copies of "Guidelines on Noise and New Residential Development Adjacent to Freeways" are available from the Local Planning Policy Branch, Ministry of Municipal Affairs and Housing.

## 2.5 Other Sources of Noise and Odours

Other noise sources such as industrial noise are the responsibility of the local municipality. Some municipalities may have by-laws relating to these kinds of noise sources. This should be checked with municipal officials.

In rural areas, the Agricultural Code of Practice provides for minimum distance separation for incompatible uses from livestock uses. This should be checked with the Ministry of Agriculture and Food and the Ministry of the Environment.

## 2.6 Additional Considerations

- "Hard Services"
  - If municipal sanitary sewers, storm sewers and piped water are proposed, is capacity available to service the site?
  - If wells and septic systems are proposed, is the soil and drainage system capable of supporting them?
  - Are the proposed internal road patterns satisfactory?
- "Soft Services"
  - Does a school site or park site have to be included in the plan?

## 2.7 Other Information

Other documents such as municipal or consultants' reports, if any are available, assist in the evaluation and may be submitted with the draft plan. Air photos, photo mosaics and copies of the plan reduced to normal page size can also be submitted.

### 3.0 SUBMITTING THE APPLICATION

When submitting a plan for approval a completed application form must accompany the draft plans. Application forms are available from the Plans Administration Division in Toronto, your local Community Planning Advisory Branch, or from the appropriate delegated authority. (A sample application form is attached as Appendix B.) To avoid delays in processing the draft plan, both the application form and draft plan must be complete. (See Appendix A for a checklist for a complete draft plan.)

You should check the approval authority's requirements for the number of copies of the application to be submitted.

#### 4.0 PRELIMINARY EVALUATION

The Ministry of Municipal Affairs and Housing (or delegated authority) will open a file and assign a file number. Subdivision applications are assigned a "T" - number, e.g. 41T-79500. Condominiums are assigned a "CDM" - number, e.g., 55 CDM-7901.

Community Planning Review Branch or the delegated municipality checks the application against plan policies. If the application does not comply with the policies of the official plan, an official plan amendment must be undertaken. If an amendment has been or is just about to be submitted for approval, the draft plan and the official plan amendment will be processed concurrently, wherever possible.

If an amendment has not been prepared or perhaps not even applied for, it may be appropriate not to process the subdivision until the official plan amendment is submitted. You should check with the appropriate delegated authority for procedures regarding this situation.

If the application complies with the official plan policies, the draft plan is checked against the requirements of section 36(2) of The Planning Act. These requirements are elaborated upon in Appendix A of this guide.

#### 4.1 Circulation to Agencies

If an application meets all the requirements, it is circulated to appropriate agencies for comment (section 36(3) of The Planning Act).

In order to minimize approval time, only those agencies with direct involvement receive the draft plan for comment. In all cases the draft plan is circulated to the local municipality and, where applicable, the regional municipality (if approval has not been delegated).

Where appropriate, a draft plan may be circulated to provincial ministries, such as:

- Ministry of Agriculture and Food
- Ministry of Education and/or local school boards
- Ministry of Natural Resources
- Ministry of the Environment
- Ministry of Transportation and Communications
- Ministry of Municipal Affairs and Housing - local Community Planning Advisory Branch (or Community Planning Review Branch, if approval has been delegated)

In addition, the draft plan may be circulated to any other affected agency such as conservation authorities, rail companies, utility companies, Federal agencies and the local health unit.

Agencies are allowed 60 days to respond. If they cannot reply in that time, they must request an extension and provide reasons why the extension is required. Otherwise, they are considered to have no objection.

If approval cannot be given within 90 days, the applicant is sent a status letter outlining the reasons for delay.

## 5.0 STEPS LEADING TO DRAFT APPROVAL

Each agency reviewing the proposal is expected to comment on the proposal to the ministry (or delegated municipality) and to suggest conditions under which they feel the plan should be approved. If there are serious objections that cannot be resolved through conditions, the agency may request that the plan be refused. Any conflicts between agencies and the owner are resolved before finalizing the conditions to be imposed.

Section 36(4) of The Planning Act spells out what the approval authority and the local municipality should consider when assessing an application. These considerations are as follows:

- whether the plan conforms to the official plan;
- whether the proposed subdivision is premature or necessary in the public interest;
- whether the land is suitable for the purpose for which it is to be subdivided;
- the adequacy of the roads leading to and on the site;
- whether the layout of the plan is compatible with adjacent plans of subdivision;
- the suitability of the size and shape of the lots;
- the restrictions or proposed restrictions on the site or on adjoining lands;
- the conservation of natural resources and flood control;
- the adequacy of utilities and municipal services;
- the adequacy of school sites;
- the amount of land within the site (excluding highways) to be conveyed or dedicated for public purposes; and
- the extent of exclusive use areas of a condominium application.

## 5.1 Draft Plan Revisions

Draft plans may be revised as a result of the evaluation process or a change in the applicant's plans. More significant changes generally require the submission of a revised plan. The applicant should check on the number of plans required by the Community Planning Review Branch or the delegated municipality for re-circulation and for draft approval. The date of the revision and the changes from the original draft plan should be shown.

## 6.0 DRAFT APPROVAL

The draft approval of the plan of subdivision is evidence of the decision made under section 36(12) of the Planning Act.

(Condominium plans are approved under the Planning Act and The Condominium Act.) The minister's approval is stamped on the plan and appears in the following format:

Subject To The Conditions Set Forth In Our  
Letter Dated.....This Draft  
Plan is Approved Under Section 36 Of The  
Planning Act.

The                   day of                           19.....

The draft approval is a written commitment by the approval authority to the applicant that the development can proceed as long as the imposed conditions are met. On the basis of a draft approval the applicant may enter into other legally binding agreements such as a subdivision agreement. However, the owner may not enter into agreements of purchase and sale for conveying the proposed lots.

## 6.1 Conditions of Draft Approval

Most draft plans of subdivision are approved subject to conditions.

Conditions are intended to:

- ensure that changes to subdivisions layouts considered essential by the ministry or delegated authority are made; (These changes include the correction of the alignment of streets, eliminating poor or dangerous road intersections, and so on.)
- ensure that federal, provincial and local interests are generally satisfied and that there is compliance with government policies and procedures, e.g., highway widenings, preventing development in flood prone areas;
- give local governments authority to enter into subdivision agreements with developers on local matters, in accordance with the conditions of draft approval relating to parks, utilities and so on;
- ensure that direct action is taken to satisfy the terms of draft approval:
  - by completing work so that conditions specified by the various agencies will be satisfied,
  - by conveyances and transfers,
  - by executing agreements.

## 6.2 Subdivision Agreement

Subdivision agreements (section 36(6)) may deal with matters, such as:

- staging of development
- municipal services and utilities
- minimum road standards

- minimum construction and material standards
- conveyance of land for park purposes or cash in lieu of land
- site grades
- access to the site
- oversizing the services
- costs chargeable against development
- site plans
- demolition or removal of existing buildings
- erection of temporary structures during construction
- liability
- maintenance responsibility
- assumption of services
- utilities and roads
- necessary conservation measures not within the scope of a conservation authority
- form and amount of bonding or other like assurances

### **6.3 Notification of Draft Approval\***

The Ministry of Municipal Affairs and Housing or delegated authority (in the case of the latter, after the 21-day appeal period), sends a copy of the draft approved plan which carries the minister's or delegated authority's stamp of approval and a copy of the conditions to:

- a) the applicant
- b) the local municipality
- c) the regional municipality where approval authority has not been delegated

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\* Where approval has been delegated, the applicant and each person who requested notice of the decision may appeal the decision to the Ontario Municipal Board within twenty-one days (Section 55(3) of The Planning Act).

- d) the Ministry of Municipal Affairs and Housing, where approval authority has been delegated

Other agencies that requested conditions generally receive a copy of the conditions imposed.

#### **6.4 Amending the Draft Approval**

Under section 36(12) of The Planning Act, the draft approval may be amended or withdrawn altogether. Sometimes the applicant may wish to change the proposal (e.g., either add or delete lots). This should always be done in consultation with the Ministry of Municipal Affairs and Housing or delegated authority, and the local municipality. If the proposed amendment is serious enough to warrant recirculation, the approval authority will contact the appropriate agencies for comments. When the draft approval has been amended, the applicant will receive a copy of the amended conditions and the draft plan. Commenting agencies may also receive all the amended documents.

#### **6.5 Lapsing**

Section 36(13) of The Planning Act provides for the lapsing of a draft approved plan where final approval has not been given within three years of the date of draft approval. A lapsed draft approval cannot be reinstated and a new application for approval must be submitted. However, the draft approval can be extended before it expires if the applicant is legitimately trying to meet the

conditions of draft approval and there are justifiable reasons for the delay. The applicant is responsible for requesting an extension from the Community Planning Review Branch of the Ministry of Municipal Affairs and Housing or where approval is delegated, from the delegated authority. This should be done by letter which should include:

- a) details on the steps being taken to resolve the outstanding problems;
- b) a municipal council resolution supporting the extension.

#### **6.6 When Draft Approval is Received**

Section 36(14) of The Planning Act permits:

- rough grading of roads
- laying down lots
- preparation of the final plan certified by an Ontario Land Surveyor in accordance with The Surveys Act, The Registry Act and The Land Titles Act.

## 7.0 STEPS TO FINAL APPROVAL

### 7.1 **Clearing Conditions**

The applicant now has the task of satisfying the conditions imposed. In order to ensure that the correct steps are taken to fulfill the conditions, each agency concerned should be contacted so that the applicant's understanding of the requirements matches that of the agency's. Contacts for each agency, their addresses and telephone numbers are included in the "NOTES" found at the end of the draft approval.

### 7.2 **Letters Clearing Conditions**

The draft approval contains conditions identifying the agencies responsible for each condition. The approval specifies that, when conditions have been carried out, the agencies must send a letter to the Minister of Municipal Affairs and Housing (or the delegated authority) describing briefly how each condition has been satisfied.

(Note: Some conditions require that certain actions be taken prior to final approval, e.g., preparation of required reports such as noise abatement. Conditions requiring work to be carried out after final approval are satisfied through the subdivision agreement.)

### **7.3 Final Plans**

The proposed final plan should be drawn to reflect the draft approved plan. If, for any reason, the final plan cannot be drawn to reflect the draft approved plan, the approval authority should be notified as soon as possible, so that appropriate changes may be made to the draft approval (see section 6.4 of this report "Amending the Draft Approval").

### **7.4 Certification of Title: The Land Titles Act or The Registry Act Systems for Registration**

Many parts of the province have been converted from The Registry Act system to The Land Titles Act system of registration. It is the responsibility of the applicant to ascertain which system applies to his proposal. Under The Land Titles Act the applicant must show that he has obtained approval of the final plans under The Land Titles Act before submission to the approval authority. If the plans meet the approval of the Examiner of Surveys, they are returned to the applicant with "Form J" which indicates that the plans are fit for registration and notifies the approval authority that final approval can be granted. It is suggested that application for tentative approval be made as soon as possible after the draft approval has been received and the final plan has been prepared:

- Approval for plans of subdivision is given by the appropriate regional office, Land Titles Office, Ministry of Consumer and Commercial Relations.

- Approval for plans of condominium is given by the Examiner of Surveys at 543 Yonge Street, 3rd Floor Legal and Survey Standards Branch, Ministry of Consumer and Commercial Relations, Toronto M7A 2J8.

Some parts of the province are still under The Registry Act system. Under this system, plans are sent directly to the Ministry of Municipal Affairs and Housing, Community Planning Review Branch or the delegated authority. No tentative approval is required for final plans.

Under both systems, the required final linens and duplicates are as follows:

- (a) one original
- (b) one white opaque linen
- (c) three translucent duplicates
- (d) three white paper prints.

## 8.0 FINAL APPROVAL

Once the final plan and the conditions have been checked and found to comply with the draft approval, the plan is endorsed with the minister's stamp of approval shown below. The plan is now ready for registration (section 36(15) of The Planning Act). The specific requirements of a delegated authority regarding this aspect may differ slightly from that of the ministry. The delegated authority should be contacted directly, concerning their requirements.

Approved under Section 36 of

THE PLANNING ACT

This.....day of.....19...

## 8.1 **Changes to Final Plans and Withdrawal of Approval**

There are occasions when changes to plans of subdivision may be necessary following final approval by the minister or a delegated approval authority, e.g., death of an owner or mortgagee, additional survey requirements, etc. In these cases, the matter should be brought to the attention of the approval authority.

If a plan of subdivision is not registered within one month of the date of final approval, the approval authority may withdraw final approval.

## 9.0 REGISTRATION

Final plans are registered\* under one of the land registration systems (section 36(17) of The Planning Act).

Under The Land Titles Act system, the Ministry of Municipal Affairs and Housing sends the final linens and duplicates by bonded courier to the office of the Examiner of Surveys to forward to the appropriate Land Registrar.

Under The Registry Act system, the Ministry of Municipal Affairs and Housing will forward the linens and all copies directly to the Land Registrar.

## 9.1 Distribution of Plans

After registration, the Land Registrar:

- retains the original and white opaque linen copy;
- delivers one translucent duplicate to the clerk of the local municipality in which the subdivision is located;
- delivers one translucent duplicate and two white paper prints to the regional office of the Assessment Division of the Ministry of Revenue;
- delivers one translucent duplicate to the Ministry of Municipal Affairs and Housing;
- delivers the owner's copy, if any, to the owner.

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\*The registered plan should not be confused with other types of plans, e.g., a reference plan is only a description deposited in the registry or land titles office. It is given an "R" number of identification, but it is not a registered plan.

## **10.0 APPLICATIONS NOT RECOMMENDED FOR APPROVAL**

An application may not be recommended to the minister for approval for a number of reasons. The most common examples are:

- The application does not comply with the official plan and an amendment has not been considered by the local municipality to permit the proposed development.
- The application proposes development considered unrelated to the orderly growth of a community in an area without official plan coverage.
- Circulated agencies have serious objections which cannot be resolved.

## 11.0 APPEALS TO THE ONTARIO MUNICIPAL BOARD

The Planning Act provides for appeals to the Ontario Municipal Board by the applicant, the municipality, the circulated agencies or the general public at various stages of the approval process. Potential appellants are reminded that appeals can be time consuming, costly and should be considered only after negotiation has failed. The options available are listed in the following sections:

### 11.1 Prior to Draft Approval

Under section 51 the minister or the delegated approval authority may refer a subdivision or condominium application to the Ontario Municipal Board upon request by the owner, the municipality, the circulated agencies and the public. The minister or the delegated authority may deny the request if it is:

- not made in good faith
- frivolous
- made for the purpose of delay.

The Planning Act provides that a request for this type of appeal can only be made before draft approval.

## **11.2 Referral of Conditions of Draft Approval**

Under section 36(7), where the owner or the municipality is not satisfied with the conditions imposed or to be imposed, either party may, at any time before the plan of subdivision is finally approved, refer the condition or conditions to the Ontario Municipal Board by written notice to the secretary of the Board and to the minister or delegated approval authority.

Referrals under this section of the Act are mandatory. The minister or approval authority does not review the referral to determine if it should proceed to the Municipal Board.

## **11.3 Appealing Intended Decision of Delegated Approval Authority**

An appeal under section 55(3) of The Planning Act applies to subdivision and condominium applications which are processed by municipalities delegated the power of approval by the minister. It allows the applicant or any person who requested notice of decision to appeal the intended decision within 21 days after the date on which notice was sent.

This type of appeal is either served personally or sent by registered mail to the clerk or appointed officer of the municipality. The appeal must be accompanied by the fee prescribed by the Ontario Municipal Board.

#### **11.4 Applicants not Complying with Official Plan Policy or Restricted Area By-Law**

- Referral to Ontario Municipal Board where a municipality refuses to amend the official plan (section 17(3) of The Planning Act).

If council refuses or fails to propose an official plan amendment within 30 days from the receipt of a request, the person requesting the amendment may request the minister (or delegated approval authority) to refer the proposal to the Ontario Municipal Board.

- Appeal to the Ontario Municipal Board where a municipality refuses to amend restricted area by-law (section 39(23) of The Planning Act).

If council refuses an application to amend a restricted area by-law or does not make a decision within one month of the receipt of the request, the applicant may appeal to the Ontario Municipal Board.

- If the applicant decides to initiate an appeal under section 17(3) or section 39(22) of The Planning Act, it should be discussed with at least one of the following:
  - a) the local Community Planning Advisory Branch
  - b) the delegated approval authority
  - c) the Community Planning Review Branches.

## APPENDIX A

### CHECKLIST FOR COMPLETE DRAFT PLANS

The following checklist is based on the requirements of section 36(2) of The Planning Act.

- Each time a draft plan is prepared, it is important to review the list to ensure that all the required information is included. Incomplete and/or incorrectly drawn draft plans will be returned to the applicant for additions and corrections, resulting in delays in the processing of a plan.

#### 1.0 THE DRAFT PLAN

##### 1.1 Title

References to the following should be included in the title:

- the original township, name, lot and concession/mining claim number;
- the Crown grant where the proposed plan of subdivision is located (if applicable);
- the name of the existing municipality;
- if the current proposal is a re-submission, the file number previously assigned.

#### **1.2 Scale**

The scale must be specified. The scale should not be larger than necessary to show all information clearly. The scale and measurements should be in metric units.

#### **1.3 Date**

The date the plan was prepared should be shown. If the plan is revised and resubmitted, the original date and the date(s) of any revisions should also be shown.

#### **1.4 Ontario Land Surveyors (O.L.S.) Certificate**

The Planning Act requires that the boundaries of all draft plans of subdivision be certified by a licensed surveyor. Surveyors should ensure that these boundaries are distinctly shown and that there are enough measurements to permit comparison with other known boundaries, e.g., highways.

If the surveyor is satisfied that the work of a previous O.L.S. is adequate, he should state this in his certificate and use the previous survey boundaries.

#### **1.5 Owner's Signature**

The owner's signature and, if he does not make the application himself, a statement of authorization for his agent must be included on the face of the draft plan or on the application form.

## 1.6 Access on and to the Site

- Roads

The draft plan should specify:

- the width, names and locations of all existing and proposed road allowances and rights-of-way;
- whether they are open for use, privately owned, privately or publicly maintained;
- if any existing road allowances located on the proposed plan will have to be closed. If an original road allowance must be closed to accommodate a subdivision plan, it is generally required as a condition of draft approval. The closing must therefore take place before final approval is granted. If the road has already been closed, the date and instrument number by which this was done must be indicated on the proposed draft plan.

- Water Access

Where access to the site is by water, the following should be included:

- the location, size and ownership of a mainland parking area;
- the location of roads giving access to parking;
- whether roads are publicly or privately owned;
- the ownership of any water lots (in the immediate vicinity);
- location and size of docking facilities;
- any public access to the water (existing or to be conveyed).

#### 1.7 Abutting Land Uses

Land uses abutting the site should be identified.

#### 1.8 Proposed Land Use and Density

All proposed land uses and the densities of residential uses (including blocks which may be developed for future rental or condominium units) on the plan should be specified.

#### 1.9 Lot Size

The approximate dimensions and layout of the lots in the plan should be specified.

#### 1.10 Site Features

Every plan may have a number of natural and artificial site features. Some of these are listed below:

##### Natural

- Natural features include water courses, drainage patterns, swamps, flood limits, wooded areas, erosion, gulleys, ravines, embankments, high water marks, water's edge, the nature of the shoreline, i.e., rocky, treed, swampy, stumped, sandy.

- The nature of the bed of the water, i.e., sandy, gravelly, stoney, rocky, marshy, rock outcropping, stumped areas, etc.
- The nature and porosity of the soil should be shown on the draft plan.

### **Artificial**

- Artificial features include drainage ditches, dams, highways, streets, railways, garbage and refuse dumps and depths of any filled areas.

### **Contours**

- Contours and spot elevations for the subdivision site should clearly identify drainage patterns, road and service locations and gradients, so that the general topography of the site can be readily understood.
- Many municipalities have established survey data. The proposed subdivision contours should be based on the same data (where it exists) or on the data provided by the survey, where available.
- The interval between contour lines will depend on the site. An interval of two metres is acceptable for even terrain. More rugged property will require a closer interval, i.e., one metre.

- Contour lines and spot elevations should be extended beyond the boundaries of the proposed site, to show the nature of the terrain immediately adjacent to the site.

#### **1.11 Easements, Rights-of-way and Restrictive Covenants**

- The location, width, purpose and nature of any easements, rights-of-way, or restrictive covenants should be shown on the plan.
- Any unopened road allowances and reserves should be shown.
- Unregistered easements, such as a telephone company trunk line, should be shown.

#### **1.12 Water Supply**

The following information must be included:

- The intended source of water supply for drinking and other purposes, i.e., private wells or municipal piped water;
- The intended ownership and responsibility for operation and maintenance of a water supply if the system proposed is to be communal.

Note: The Ministry of the Environment require that a public agency, usually the municipality, should be responsible for the operation of a water supply system.

### 1.13 Storm Drainage

The following should be indicated:

- The way in which surface water will be carried away and disposed (whether by open ditches or a municipal storm sewer);
- The location of existing public storm drainage systems on the draft; if a storm sewer is to be constructed but not used immediately, either due to a lack of trunk sewer capacity or an adequate outlet, this should be clearly stated on the application.
- Any temporary storm drainage systems.

### 1.14 Sewage Disposal

- Public Disposal (sewers)

The location of the nearest public sanitary sewer, if one exists, should be shown. Proposed sanitary services are those that will be installed and available for use at the time of building occupancy. If a sanitary sewer is to be constructed but not used due to lack of trunk sewers, pumping or treatment facilities, the application form should state this clearly.

- Private Disposal

If a private waste disposal system (such as septic tanks) is proposed, the means of disposal and treatment should be specified. Also, the plan should show the approximate location on each lot, if known, where tile disposal beds can be located.

### **1.15 Other Municipal Services**

A statement about the available municipal services should be included, e.g., garbage collection and disposal, fire and police protection.

### **1.16 Public Open Space - Parks and School Sites**

If a plan proposes public open space or a school site, the intended means of access, location, size and type (i.e., public or private parks and type of school) should be shown.

**Note:** An applicant may be required to dedicate up to 5% of the land in a plan to the municipality for parks. In appropriate situations, the municipality may accept cash in lieu of land.

### **1.17 Street Names**

In many municipalities the clerk or the planning board is responsible for avoiding duplication of street names. One of the following courses of action is recommended:

- Consult with the metropolitan or regional planning department, if one exists, on the names to be used. Otherwise consult the council, clerk or local planning board.
- Identify each proposed street by a letter or number on the draft plan. The actual names can be decided later by the subdivider and the clerk, or the planning board, and can be included as a condition of draft approval.

### 1.18 **Staging**

The development of a particular site is sometimes planned to take place over a number of years. In such cases, the parts of the plan to be developed and the order in which development is planned should be marked clearly.

### 2.0 **KEY PLAN**

A key plan places the proposed plan in the context of the surrounding land. The key plan should be drawn to a scale of not less than 1 cm:100 m. The following should be shown:

- All adjacent land owned by the applicant or in which the applicant has an interest.
- Adjoining development and how it will be integrated with the proposed plan, e.g; road connections, consolidating park sites.
- The original township lot number and concession lines.
- Sufficient information so that the site can be found for inspection, i.e., north point, highways and street names leading to the site, railways, buildings, water courses, distances from nearest major development, e.g., town, hamlets, etc.

### 3.0 **A CHECKLIST FOR ADDITIONAL INFORMATION REQUIRED FOR THE DRAFT PLAN OF CONDOMINIUM**

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Condominium developments differ from freehold housing in that there is:

- ownership of the individual dwelling unit

- exclusive use portions of the common element, e.g., backyards, parking
- joint use of other common elements.

Because of these differences and the need for statistical information, the following should be provided, in addition to the information required on a plan of subdivision:

**3.1 Date of construction**

Specify when construction began (or will begin).

**3.2 Zoning**

Specify the related zoning by-law if an amendment is required.

**3.3 Number of residential units**

Specify the total number of residential units by type i.e., 20 townhouses, 20 apartment units, etc.

**3.4 Bedroom count**

Specify the number of 1 bedroom, 2 bedroom, 3 bedroom units, etc.

**3.5 Floor Coverage**

Specify the total amount of floor space by residential type.

**3.6 Parking**

Specify the surface and underground parking facilities (if available).

**3.7 Proposed Density**

Specify the type and number of dwellings per unit area.

**3.8 Exclusive Use Areas**

Mark the portions of the common element reserved for the exclusive use of the resident(s) of each unit, including parking.

**3.9 Roadways and Pedestrians Access**

Show the internal roads and walkways on the plan.

**3.10 Floor Plans**

Typical floor plans are required for apartment buildings and town-houses to show the units to be registered on the final plan. Units on non-typical floors should also be identified with appropriate floor plans.



Ministry of  
Municipal Affairs  
and Housing

Community  
Planning  
Review  
Branch

56 Wellesley Street West  
8th Floor  
Toronto, Ontario  
M7A 2K4

## SUBDIVISION & CONDOMINIUM APPLICATION GUIDE

for applying for approval under section 33  
of The Planning Act  
and under section 24 of The Condominium Act

The application guide and form are for both subdivisions and condominiums. All questions should be filled out for subdivisions except for those reserved for condominiums, (marked\*). All questions are to be answered for condominiums.

### A. APPLYING FOR SUBDIVISION/ CONDOMINIUM APPROVAL

1. The attached application form is to be used only when applying to the Minister for condominium and subdivision approval. It is not for use when approaching a local municipality with regard to a subdivision or condominium.
2. The Minister of Housing has delegated subdivision approval authority to a number of regional municipalities throughout the province. You should check with the local municipality to determine if the approval authority has been delegated.

### B. USING THE APPLICATION FORM

1. The attached application form should be completed with four copies to the Community Planning Review Branch. In all cases please ensure that you keep a copy for your files. The applicant is advised, however, to approach the local municipality for official plan, zoning and policy information *before* making a formal application.

It is also important to note that circulation of new applications cannot be guaranteed unless the draft plan of subdivision conforms to the official plan or is the subject of an official plan amendment. In those cases where a corresponding official plan amendment has been received, the plan of subdivision and the official plan amendment will be circulated simultaneously.

2. The application should be completed by the property owner or his authorized agent. Where it is being made by an agent, the written authorization may be shown on the face of the draft plan.
3. It is the responsibility of the owner to research and evaluate the site and the proposal to ensure that the development will conform with the interests of the health, safety and welfare of the future residents, either owners or tenants. Sufficient studies for the completion of the application should be carried out prior to a submission for approval, and should be reflected in the application form. This information will assist in a quick and comprehensive assessment of the application. If further studies are required, the applicant will be notified. If the form or the draft plans seem incomplete or inaccurate the application will be returned for completion, correction or clarification prior to processing.

### C. DRAFT PLANS

1. The Planning Act requires that all applications *must be* accompanied by at least 8 draft plans drawn to scale, with boundaries certified by an Ontario Land Surveyor. To carry out the review of condominium applications, a minimum of 25 copies of the draft plan will be required. Subdivision applications require a minimum of 35 copies. If further copies are needed, the applicant will be notified.
2. The draft plans should indicate all items as required by section 33(2) of The Planning Act (listed on the reverse of this guide).
3. Draft plans proposing condominium ownership require additional information (listed on the reverse of this guide).

### D. DEALING WITH THE APPLICATION

1. After accepting the completed application, the Minister may confer with officials of municipalities and other ministries, commissions and authorities and with others who may be concerned, to obtain information and recommendations.
2. After an evaluation of the plan and of the recommendations from other bodies as noted above, conditions may be imposed in granting approval of the draft plan (draft approval).
3. The conditions of draft approval must be fulfilled prior to the approval of the final plan. The agencies affected by the conditions must indicate that they have been fulfilled.

In some cases, agencies may require that a copy of the completed subdivision agreement be forwarded to them prior to notifying the Minister that the conditions have been fulfilled.

4. Sections 44(1) and 33(7) of The Planning Act provide that an application for approval by the Minister may be referred to the Ontario Municipal Board for decision.

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LEGISLATIVE REQUIREMENTS FOR SUBDIVISION APPROVAL  
ADAPTED FROM THE PLANNING ACT

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Section 33:

- i) Subsection 2; Information required to be shown on the draft plans:
  - (a) location, widths, names of proposed highways and the same information for existing abutting highways;
  - (b) key plan (on a scale of not less than 1 cm to 100 m) showing land adjacent that is owned by the owner or in which the owner has an interest;
  - (c) every adjoining subdivision and the boundary of the township lot or other original grant;
  - (d) purpose for which lots are to be used;
  - (e) nature of existing uses of adjoining lands;
  - (f) approximate dimensions and layout of lots;
  - (g) natural and artificial features of the concerned lands or adjacent lands (e.g., railways, swamps, etc.);
  - (h) nature of proposed water supply;
  - (i) nature and porosity of soil;
  - (j) contours or elevations;
  - (k) municipal services available or to be available;
  - (l) nature of restrictive covenants or easements.
- ii) Subsection 4; It is necessary to take into account the health, safety, convenience and welfare of the future inhabitants, when considering a draft plan of subdivision.
- iii) Subsection 6; Every municipality and the Minister may enter into subdivision agreements imposed as a condition of draft approval.
- iv) Subsections 5 & 8; The Minister or municipality may impose as a condition that a maximum of 5% of the concerned lands be conveyed to the municipality for park purposes or, in lieu of the conveyance, that money to the value of such land be given to the municipality.
- v) Subsection 12a; Draft approval shall lapse where final approval has not been given within three years of the draft approval. It is possible, however, to request an extension of draft approval.

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ADDITIONAL INFORMATION FOR  
CONDOMINIUM DRAFT PLANS

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- i) Proposed exclusive use areas of the common element such as backyards, parking.
- ii) Roadways and pedestrian access to proposed private units.

**SUBDIVISION & CONDOMINIUM APPLICATION**

for applying for approval under section 33  
of The Planning Act  
and under section 24 of The Condominium Act

1. Local Municipality	Lot Number	Date of Registration
	Concession Number	Registered Plan Number

2. Resubmission of an earlier plan:  Yes  No  Do Not Know

3. Complete the following and check the box next to the person or firm to whom correspondence should be addressed.  
(In order to avoid delays, please advise the Community Planning Review Branch if there is a change in the mailing address noted below.)

	Name	Address and Telephone Number
Registered Owner		
Agent, Solicitor or Planning Consultant		
Ontario Land Surveyor		

4. Proposed Land Use

Indicate the intended uses of land in the proposal. Please use the following definitions for residential buildings:

single family residential — a single family detached dwelling unit.

double or semi-detached — a residential building containing 2 dwelling units.

row/town — a residential building containing 3 or more units with individual direct access to the street.

apartment — a building containing 3 or more dwelling units each with access to the street via a common corridor.

Intended Use	Residential Units	Number of Lots and/or Blocks	Hectares	*This Section for Condominium Applications Only			
				Date of Construction	Floor Coverage	Parking Provided	Density Proposed (specify units per Hectare)
Single Family Residential							
Double or Semi-detached Residential							
Row and Town Housing							
Apartments							
Seasonal Residential (cottage or chalet)							
Mobile Home							
Neighbourhood Commercial	Nil						Nil
Commercial, Other	Nil						Nil
Industrial	Nil						Nil
Park or Open Space	Nil						Nil
Institutional (specify)							
Other (specify)							
TOTAL							

5. Planning Information for Site

From your discussion with local municipal officials what is:

(a) the land use designation of the subject lands in an approved Regional Official Plan or Amendment?

Amendment number: \_\_\_\_\_

(b) the land use designation of subject lands in an approved local Official Plan or Amendment?

Amendment number: \_\_\_\_\_

(c) the zoning of subject lands in approved zoning by-law or zoning order?

\_\_\_\_\_

*For completion on condominium applications only:*

**\*(d) New Buildings**

Has the municipality reviewed a site plan? \_\_\_\_\_

Has a building permit been issued? \_\_\_\_\_

Is the building under construction? \_\_\_\_\_

**\*(e) Existing Buildings**

Is this a rental building being converted to a condominium dwelling?

Are tenants willing to purchase? \_\_\_\_\_

Has the rental vacancy rate in the community been studied by the municipality?

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**SERVICING**

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6. Indicate what services are proposed:

(a) Water Supply

piped water   
individual wells   
other (describe)

(b) Sewage Treatment

sewers   
\*\*septic tanks and tile beds   
presewer   
other (describe)

(c) Storm Drainage

sewers   
open ditches   
other (describe)

\*\*If septic tanks are proposed, is it necessary to meet Medical Officer of Health Standards?  Yes  No

If "yes", specify where it is obtainable: \_\_\_\_\_

If other servicing problems are foreseen, what are they? \_\_\_\_\_

What solutions are proposed? \_\_\_\_\_

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**ACCESS**

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7. Is there direct access from the subject lands to a publicly maintained road?  Yes  No

If "no", what provision is there for access to the site? \_\_\_\_\_

8. If a lakefront development is proposed, without road access;

(a) what type of docking and parking facilities exist on the lake?

11. *What is the name of the author of the book you are reading?*

(b) what distance are they from the site? \_\_\_\_\_

(c) how far is the nearest provincial highway? \_\_\_\_\_

## SITE APPRAISAL AND EVALUATION

9. Give a brief description of the existing land use, vegetation, topography and drainage on the site.

## 10. Environmental Effects

What measures have been taken to eliminate any adverse environmental effects from the development on the surrounding area (e.g., traffic, noise, odours, pollution of nearby water bodies, run-off, etc.) and to eliminate any adverse effects from the adjacent area on the proposed development (e.g., buffering, berms, setbacks, etc.)? In agricultural areas refer to the Agricultural Code of Practice. Where potential adverse environmental effects are foreseen, consultation with the Ministry of Environment is recommended.

11. ADDITIONAL INFORMATION

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12. Affidavit

I, \_\_\_\_\_ of the \_\_\_\_\_

in the County/District of \_\_\_\_\_  
solemnly declare that all the above statements contained in the within application are true, and I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath, and by virtue of "The Canada Evidence Act".

Declared before me at the \_\_\_\_\_

in the County/District of \_\_\_\_\_

this \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_  
A Commissioner of Oaths

13. Owner's Authorization

If an agent is used, the owner must also complete the following or a similar authorization on the face of the draft plan:

I, \_\_\_\_\_ being the registered owner of the subject lands hereby authorize  
\_\_\_\_\_  
(Type or Print Name of Agent)  
to prepare and submit a draft plan of subdivision/condominium  
for approval.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Day

\_\_\_\_\_  
Month

\_\_\_\_\_  
Year

APPENDIX C

LIST OF DELEGATED MUNICIPALITIES (as of September 1981)

The Municipality of Metropolitan Toronto\*  
2nd Floor, City Hall, Toronto M5H 2N1

The County of Oxford\*  
Box 397, Court House, Woodstock N4S 7Y3

The District Municipality of Muskoka\*  
Box 1720, 10 Pine Street, Bracebridge POB 1C0

The Regional Municipality of Halton\*  
1151 Bronte Road, Oakville L6G 6E1

The Regional Municipality of Hamilton-Wentworth\*  
Box 910, 100 Main Street East, Hamilton L8N 3V9

The Regional Municipality of Niagara  
Box 3025, 150 Berryman Street, St. Catharines L2R 7E9

The Regional Municipality of Ottawa-Carleton\*  
222 Queen Street, Ottawa K1P 5Z3

The Regional Municipality of Peel\*  
150 Central Park Drive, Bramalea L6T 2V1

The Regional Municipality of Sudbury  
Box 370, 200 Brady Street P3E 4P2

The Regional Municipality of Waterloo\*  
Marsland Centre, 20 Erb Street WEst, Waterloo N2J 4A8

The Regional Municipality of York  
Box 147, 62 Bayview Avenue, Newmarket L3Y 4W9

The Regional Municipality of Durham\*  
605 Rossland Road East, Whitby L1N 6A3

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\* These municipalities have been delegated the power to approve subdivision and condominium applications. The remainder have been delegated power to approve subdivision applications only.

APPENDIX D

LIST OF AGENCIES TO CONTACT FOR FURTHER INFORMATION

COMMUNITY PLANNING ADVISORY BRANCH

South West Region  
7th Floor  
495 Richmond Street  
London N6A 5A9

(519/673-1611)

North West Region  
435 James Street South  
Thunder Bay P7C 5G6

(807/475-1651)

Central Region  
2nd Floor  
47 Sheppard Avenue East  
Willowdale (Toronto)  
M2N 2Z8

(416/224-7635)

South East Region  
3rd Floor  
244 Rideau Street  
Ottawa K1N 5Y3

(613/566-3801)

North East Region  
1191 Lansing Avenue  
Sudbury P3A 4C4

(705/560-0120)



PLANS ADMINISTRATION DIVISION

Community Planning Review Branch (Central and Southwest)

Community Planning Review Branch (North and East)

7th Floor, 56 Wellesley Street West  
Toronto, Ontario M7A 2K4  
(416/965-6418)

Operations Control Branch

7th Floor, 56 Wellesley Street West  
Toronto, Ontario M7A 2K4  
(416/965-6418)

LOCAL PLANNING POLICY BRANCH

3rd Floor, 56 Wellesley Street West  
Toronto, Ontario M7A 2K4  
(416/965-5890)





Ontario

Ministry of  
Municipal Affairs  
and Housing

Ministère des  
Affaires municipales  
et du Logement